



California Fair Political Practices Commission

January 22, 1990

Colleen C. McAndrews
Simmons and McAndrews
1441 Fourth Street
Santa Monica, CA 90401

Re: Your Request For Informal
Assistance, Our File
No. I-89-587

Dear Ms. McAndrews:

You have requested written confirmation of assistance provided to you by telephone, under the campaign disclosure provisions of the Political Reform Act.^{1/} Because your questions are of a general nature, we are treating your request as one for informal assistance, rather than formal advice.^{2/}

Your summary of the telephone assistance I provided you concerning the sponsored committee provisions of Section 82048.7 and Regulation 18419 is accurate. Attached for your convenience is a copy of your letter.

Sincerely,

Kathryn E. Donovan
General Counsel

Jeanne Pritchard

By: Jeanne Pritchard
Division Chief
Technical Assistance and
Analysis Division

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

^{2/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)



California Fair Political Practices Commission

October 16, 1989

Colleen C. McAndrews
Simmons & McAndrews
1441 Fourth Street
Santa Monica, CA 90401

Re: Letter No. 89-587

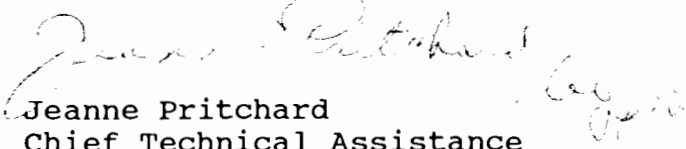
Dear Ms. McAndrews:

Your letter requesting advice under the Political Reform Act was received on October 10, 1989 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,


Jeanne Pritchard
Chief Technical Assistance
and Analysis Division

JP:plh

SIMMONS & MCANDREWS

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October 5, 1989

Ms. Jeanne Pritchard
Chief, Technical Assistance Division
Fair Political Practices Commission
P. O. Box 807
Sacramento, California 95804

Re: Sponsored Committees

Dear Jeanne:

This letter is to confirm the analysis of Government Code Section 82048.7 and 2 California Code of Regulations 18429 regarding sponsored committees that you recently provided to me through informal telephone advice.

The issue arises frequently when a non-candidate controlled committee, most often a ballot measure committee, receives a substantial portion of its funds from a narrow base. Apparently, the source of confusion arises in the language of Regulation 18429 stating that when there is a sponsored committee with more than one sponsor and "the sponsors are members of an industry or other identifiable group, the name of the committee shall include a term identifying that industry or group."

You indicated that the Commission advises a narrow approach to Government Code Section 82048.7 and Regulation 18419. First, since Government Code Section 82048.7 refers to a person¹ in the

¹ Section 85102 (b) defines "person" as "an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, and labor organization."

Ms. Jeanne Pritchard
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singular and not the plural², a committee must have a single sponsor who meets any of the following criteria listed in Regulation 18419:

(A) The committee receives all or nearly all of its contributions either from the person or from the person's members, officers, employees or shareholders;

(B) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers or employees;

(C) The person provides, alone or in combination with other organizations, all or nearly all of the administrative services for the committee; or

(D) The person sets, alone or in combination with other organizations, the policies for soliciting contributions or making expenditures of committee funds.

Next, if a committee has such a single sponsor, multiple sponsors might be added if other contributors provide administrative services or, more likely, set policies for soliciting contributions or expending funds.

Therefore, a situation such as you referred to where several contributors are members of the same industry such as car dealerships and all contribute to a campaign affecting their industry, none will be sponsors of a committee for the campaign unless a single one of them meets any one of the criteria in Regulation 18419 (A) through (D). In your example, most contributions to the campaign came from car dealers but no one

² Section 82048.7 (b) states:

(b) A person sponsors a committee if any of the following apply:

(1) The committee receives all or nearly all of its contributions from the person or its members, officers, employees, or shareholders.

(2) The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees.

(3) The person alone or in combination with other organizations, provides all or nearly all of the administrative services for the committee.

(4) The person, alone or in combination with other organizations, sets the policies for soliciting contributions or making expenditures of committee funds.

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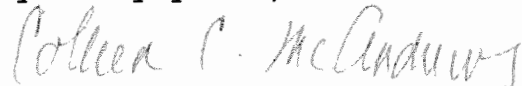
car dealer predominated or fit under (A) through (D). Thus, there was no sponsor and no need to identify an industry or other identifiable group.

Conversely, you indicated that if there is a single sponsor, such as one car dealer, and other car dealers provide administrative services or set policies, they may become co-sponsors even if they do not contribute funds. In such a case, the name of the sponsors and the "industry or other identifiable group" should be identified.

If the above accurately reflects your informal advice, please sign the copy of this letter and return it to me. It will be very helpful in clarifying an area of the law causing substantial concern among political consultants and contributors.

Thank you for your assistance.

Very truly yours,



Colleen C. McAndrews

CCM/hs

The above letter comports with the informal advice provided as described.

Date: _____

Jeanne Pritchard